

CLOSED

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:18-mj-00034-CLP All Defendants**

Case title: USA v. Shun Shing Lee

Date Filed: 01/16/2018

Date Terminated: 01/16/2018

Assigned to: Magistrate Judge
Cheryl L. Pollak

Defendant (1)

Jerry Shun Shing Lee
TERMINATED: 01/16/2018

represented by **Michael P. Padden**
Federal Defenders of New York, Inc.
One Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
(718) 330-1240
Fax: 718-855-0760
Email: michael_padden@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
*Designation: Public Defender or Community
Defender Appointment*

Pending Counts

None

Disposition

Highest Offense Level (Opening)

None

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

18:793.F

Disposition

Plaintiff

USA

represented by

Ian Craig Richardson

U.S. Attorney's Office, Eastern District of
New York

271 Cadman Plaza East

Brooklyn, NY 11201

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LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Government Attorney

Date Filed	#	Page	Docket Text
01/16/2018	<u>1</u>	3	RULE 40 AFFIDAVIT by USA as to Jerry Shun Shing Lee by Affiant Jerry Shun Shing Lee (Sica, Michele) (Entered: 01/17/2018)
01/16/2018		18	Arrest (Rule 40) of Jerry Shun Shing Lee (Sica, Michele) (Entered: 01/17/2018)
01/16/2018	<u>2</u>	19	Minute Entry for proceedings held before Magistrate Judge Cheryl L. Pollak: For a removal hearing as to Jerry Shun Shing Lee (1) Count Complaint held on 1/16/2018, Attorney Appointment Hearing as to Jerry Shun Shing Lee held on 1/16/2018, Initial Appearance in Rule 5(c)(3) Proceedings as to Jerry Shun Shing Lee held on 1/16/2018. Defendant present with Federal Defender, Michael Padden present for arraignment purposes only. Financial affidavit was denied. AUSA Ian Richardson. Waiver of identity hearing waived. No bail application presented at this time, The defendant will be removed in the custody of the U.S. Marshal (FTR Log #2:40-2:45.) (Sica, Michele) (Entered: 01/17/2018)
01/16/2018	<u>3</u>	20	WAIVER of Rule 5(c)(3) Hearing by Jerry Shun Shing Lee (Sica, Michele) (Entered: 01/17/2018)
01/16/2018	<u>4</u>	21	CJA 23 Financial Affidavit by Jerry Shun Shing Lee (Sica, Michele) (Entered: 01/17/2018)
01/16/2018	<u>5</u>	22	COMMITMENT TO ANOTHER DISTRICT as to Jerry Shun Shing Lee. Defendant committed to District of Virginia.. Ordered by Magistrate Judge Cheryl L. Pollak on 1/16/2018. (Sica, Michele) (Entered: 01/17/2018)

SDD:ICR

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

- - - - -X

UNITED STATES OF AMERICA

- against -

JERRY CHUN SHING LEE,
also known as "Zheng
Cheng Li,"

Defendant.

AFFIDAVIT IN
SUPPORT OF
REMOVAL TO THE
EASTERN DISTRICT
OF VIRGINIA

(Fed. R. Crim. P. 5)

No. 18-M-34

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

KELLIE R. O'BRIEN, being duly sworn, deposes and states that she is a
Special Agent with the Federal Bureau of Investigation, duly appointed according to law and
acting as such.

On or about January 13, 2018, an arrest warrant was issued by the United States
District Court for the Eastern District of Virginia commanding the arrest of defendant JERRY
CHUN SHING LEE, also known as "Zheng Cheng Li," for unlawfully retaining documents
relating to the national defense, in violation of Title 18, United States Code, Section 793(e).

The source of your deponent's information and the grounds for her belief are
as follows:¹

1. On January 13, 2018, United States Magistrate Judge John F. Anderson
of the United States District Court for the Eastern District of Virginia issued a warrant for the

¹ Because the purpose of this Affidavit is to set forth only those facts necessary
to establish that the person in custody is the defendant wanted in the Eastern District of
Virginia, I have not described all the relevant facts and circumstances of which I am aware.

arrest of defendant JERRY CHUN SHING LEE, also known as “Zheng Cheng Li,” upon a criminal complaint and affidavit establishing probable cause to believe that the defendant unlawfully retained documents relating to the national defense, in violation of Title 18, United States Code, Section 793(e). Copies of the arrest warrant and the complaint are attached hereto as Exhibit A.

2. I am one of the case agents involved in the underlying investigation and have previously interviewed the defendant JERRY CHUN SHING LEE, also known as “Zheng Cheng Li.”

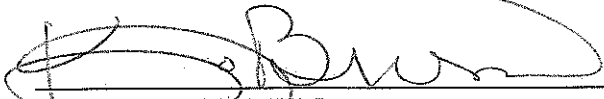
3. On or about January 15, 2018, the defendant JERRY CHUN SHING LEE, also known as “Zheng Cheng Li,” arrived at John F. Kennedy International Airport in Queens, New York, aboard Cathay Pacific Flight 830 from Hong Kong. Upon his arrival, the defendant presented a United States passport in the name “Jerry Chun Shing Lee” to an officer of United States Customs and Border Protection and thereafter entered the United States.

4. After the defendant JERRY CHUN SHING LEE, also known as “Zheng Cheng Li,” cleared customs, I approached the defendant and visually confirmed that he was the same JERRY CHUN SHING LEE who is wanted in the Eastern District of Virginia. Moreover, I called out to the defendant by his name and he responded affirmatively. Later the same day, I placed the defendant JERRY CHUN SHING LEE under arrest.

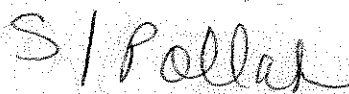
5. I have consulted with the United States Attorney’s Office for the Eastern District of Virginia on the question of bail. The United States Attorney’s Office and your deponent respectfully request that this Court order that the defendant JERRY CHUN SHING

LEE, also known as "Zheng Cheng Li," be removed in custody to the Eastern District of Virginia because he poses a serious risk of flight if released on bail.

WHEREFORE, your deponent respectfully requests that the defendant JERRY CHUN SHING LEE, also known as "Zheng Cheng Li," be removed in custody to the Eastern District of Virginia so that he may be dealt with according to law.


KELLIE R. O'BRIEN
Special Agent
Federal Bureau of Investigation

Sworn to before me this
1st day of January, 2018


S. Pollak
EASTERN DISTRICT OF NEW YORK

MIME-Version:1.0
From:ecf_bounces@nyed.uscourts.gov
To:nobody@nyed.uscourts.gov
Bcc:
--Case Participants: Michael P. Padden (edny_ecf@yahoo.com, michael_padden@fd.org), Ian Craig Richardson (caseview.ecf@usdoj.gov, ian.richardson@usdoj.gov, usanye-crdoCKET@usdoj.gov), Magistrate Judge Cheryl L. Pollak (ariela_rutbeck@nyed.uscourts.gov, brendan_blase@nyed.uscourts.gov, cheryl_pollak@nyed.uscourts.gov, diana_caggiano@nyed.uscourts.gov)
--Non Case Participants:
--No Notice Sent:

Message-Id:12483145@nyed.uscourts.gov
Subject:Activity in Case 1:18-mj-00034-CLP USA v. Shun Shing Lee Arrest - Rule 40
Content-Type: text/html

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered on 1/17/2018 at 11:56 AM EST and filed on 1/16/2018

Case Name: USA v. Shun Shing Lee
Case Number: 1:18-mj-00034-CLP
Filer:
Document Number: No document attached
Docket Text:
Arrest (Rule 40) of Jerry Shun Shing Lee (Sica, Michele)

1:18-mj-00034-CLP-1 Notice has been electronically mailed to:

Michael P. Padden michael_padden@fd.org, edny_ecf@yahoo.com

Ian Craig Richardson ian.richardson@usdoj.gov, caseview.ecf@usdoj.gov, usanye-crdoCKET@usdoj.gov

1:18-mj-00034-CLP-1 Notice will not be electronically mailed to:

Magistrate Judge: Cheryl Pollak Date: 1/16/18Magistrate Case Number: 18 M 0034 LOG #: 2:40-2:45Defendant's Name: Gerry Shun Shing Lee☒ Court appointed counsel. ☐ Defendant retained counsel.Defense Counsel: Michael Padden CJA: FDNY: ☒ RET: A.U.S.A. Ian Richardson Clerk: M. SichInterpreter: Language: ☒ Removal ARRAIGNMENT on Complaint held. ☐ Government Agent Sworn☐ DETENTION HEARING Held: ☐ Government opposed bail for reasons stated on the record.☐ Bond set at . ☐ Bond set on consent of both parties.Defendant : ☐ released ☐ held pending satisfaction of bond conditions.☐ Defendant advised of bond conditions set by the Court and signed the bond.☐ Surety(ies) sworn, advised of bond obligations by the Court and signed the bond.☐ (Additional) surety/ies to co-sign bond by ☐ After detention hearing, Court orders detention in custody. ☐ Leave to reopen granted☐ Temporary Order of Detention Issued. Bail Hearing set for ☐ At this time, defense counsel states on the record that the defendant does not have a bail application / package. Order of detention entered with leave to reapply to a Magistrate or to the District Court Judge to whom the case will be assigned.Preliminary Hearing set for: ; or ☐ waived by defendant☐ Status Conference set for: before Judge ☐ Medical memo issued.☒ REMOVAL (Rule 5) PROCEEDING held. To the district of: Eastern Dist. of Virginia☐ Identity hearing held. Court ☒ orders removal ☐ denies removal☒ Defendant waives: ☒ identity hearing ☒ preliminary hearing☒ Identity/ Removal Hearing set for: ☒ No bail application presented to the Court. Commitment to the District of Virginia entered.Other Comments/Rulings: Financial Affidavit not approved

AO 466A (Rev. 12/17) Waiver of Rule 5 & 5.1 Hearings (Complaint or Indictment)

UNITED STATES DISTRICT COURT

for the

United States of America

v.

Terry Chun Shing Lee
Defendant

Case No. 18M34

Charging District's Case No.

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the (name of other court) _____

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.

I agree to waive my right(s) to:

☐ an identity hearing and production of the warrant.

☒ a preliminary hearing.

☐ a detention hearing.

☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date:

1/16/18

[Signature]
Defendant's signature

Michael P. Padden
Signature of defendant's attorney

M. P. Padden

S. Pollak

UNITED STATES DISTRICT COURT

EASTERN

District of

NEW YORK

UNITED STATES OF AMERICA

V.

COMMITMENT TO ANOTHER DISTRICT

Jerry Chun Shung Lee

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

Virginia

EDNY

18-34M

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment☐ Information☐ Complaint☐ Other (specify) Violation of Conditions of release

charging a violation of

18 U.S.C. § 793

DISTRICT OF OFFENSE

DESCRIPTION OF CHARGES:

Retained documents relating to national defense

CURRENT BOND STATUS:

☐ Bail fixed at

and conditions were not met

☐ Government moved for detention and defendant detained after hearing in District of Arrest☐ Government moved for detention and defendant detained pending detention hearing in District of Offense☐ Other (specify)Representation: ☐ Retained Own Counsel ☐ Federal Defender Organization ☐ CJA Attorney ☐ None

Interpreter Required?

☐ No☐ Yes

Language:

DISTRICT OF NEW YORK

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

1/16/18

Date

S. Pollak

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL